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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,112	04/12/2001	Rick Allen Hamilton II	AUS920010173US1	3424

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EXAMINER

CHANG, SABRINA A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/834,112

Applicant(s)

RICK ALLEN HAMILTON, ET AL.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "providing a map of a virtual shopping mall" and "presenting..." however it is unclear how and where such presentations are conducted.

Claim 9 recites a "shopping mall browser" which comprises a number of functionalities, it is unclear how a simple "mall browser" can encompass display and presenting as well as "initializer" and tracking functionalities.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferreira U.S. Patent Application Publication 2001/0034661 A1 (Non-provisional of provisional application No. 60/182,282, filed on Feb. 14, 2000) in view of Kelley U.S. Patent No. 6,381,583 B1 (Continuation of application No. 08,838,087, filed on April 15, 1997).

Ferreira discloses an application that allows a user to navigate a virtual representation of a real region. As it currently stands, the Internet is a “dumb” finder and sorter of information. Ferreira provides the Internet with the potential to provide a “smart” sensory experience [Para. 0043]. Ferreira seeks specifically to provide a virtual community that provides a sense of realism and immerses users in an environment [Para. 0010].

A map of the region is displayed on the user's display screen alongside multimedia information about a particular location in the region [Fig. 4] (providing a map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall; assigning a customer an initial position having a set of coordinates within the shopping mall; presenting at least one multimedia object to a customer indexed to said initial position). The user may choose a point or region on the map, using for example a cursor controlled by a mouse. In response, the virtual application may display an image that corresponds to the point or region selected by the user [Para. 0068, Fig. 6] (updating said initial position to a subsequent position responsive to a position change command from a customer; and presenting at least one multimedia object to a customer indexed to said subsequent position).

Once the user has selected a particular point from the map, he/she is presented a display of what he/she would see at that particular location, in this case, a city block image [Para. 0071]. The user is able to navigate through the virtual city block including every storefront in that area [Para. 0071]. Selecting a particular storefront links the user to a web page containing a detailed image of that establishment, with information on its location, phone numbers, nearest subway stop and the goods sold there [Para. 0072] (provide a customer-selectable hot spot within said visual image; update said customer position responsive to selection of said hot spot).

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An audio option allows the user to listen to location-specific ambient sounds. Each subsection of an area selected is associated with a code (e.g. stored in a relational database) that corresponds to an audio track [Para. 0070] (presenting a sound clip representative of background sound within a mall or store interior).

Ferreira provides a user with an interactive city map, or "real region", from which a user selects a particular point and can view the landscape at that point, in this case city blocks. Ferreira does not explicitly disclose that the "real region" that is presented to the user, using a map, is a shopping mall.

Kenney teaches an interactive electronic shopping system and method that creates a virtual shopping facility from an actual shopping facility (mall). Users can browse through the virtual mall as if they were actually walking through the store [abstract].

Ferreira explicitly states that the application could be applied in any context to translate a real area into a virtual representation. It would have been obvious to apply the walk-through virtual mapping application of Ferreira in a city, shopping mall environment, as specifically taught by the virtual walk through system of Kenney, or any environment that has a subset of location and views, in order to provide a shopper or user with a more engaging "sensory" experience [See Ferreira Para. 0010].

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703 308 3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC

  
Jeffrey A. Smith  
Primary Examiner